

14TH GROUND.

C. B. DALTON, Sworn for the State. I have just read over the report of my testimony as contained in the brief of evidence approved by Judge Roan in that trial and every word of my evidence is the absolute truth. That evidence is as follows:

"I know Leo M. Frank, Daisy Hopkins and Jim Conley. I have visited the National Pencil Company, three, four, or five times, I have been in the office of Leo M. Frank two or three times. I have been down in the basement. I don't know whether Mr. Frank knew I was in the basement or not, but he knew I was there. I saw Conley there and the night watchman, and he was not Conley. There would be some ladies in Mr. Frank's office. Sometimes there would be two, and sometimes one. Maybe they didn't work in the mornings and they would be there in the evenings.

CROSS EXAMINATION. I don't recollect the first time I was in Mr. Frank's office. It was last fall. I have been down there one time this year but Mr. Frank wasn't there. It was Saturday evening. I went in there with Miss Daisy Hopkins. They were ladies. Sometimes there would be two and sometimes more. I don't know whether it was the stenographer or not. I don't recollect the next time I saw him in his office. I never saw any gentleman but Mr. Frank in there. Every time I was in Mr. Frank's office was before Christmas. Miss Daisy Hopkins introduced me to him. I saw Conley there one rime [sic] this year and several times on Saturday evenings. Mr. Frank wasn't there the last time. Conley was sitting there at the front door. When I went down the ladder Miss Daisy went with me. We went back by the trash pile in the basement. I saw an old cot and a stretcher. I have been in Atlanta for ten years. I have never been away over a week. I saw Mr. Frank about two o'clock in the afternoon. There was no curtains drawn in the office. It was very light in there. I went in the first office, near the stairway. The night watchman I spoke of was a negro. I saw him about the first of January. I saw a negro night watchman there between September and December. I lived in Walton County for twenty years. I came right here from Walton County. I was absent from Walton County once for two or three years, and lived in Lawrenceville. I have walked home from the factory with Miss Laura Atkins and Miss Smith.

RE-DIRECT EXAMINATION. I gave Jim Conley a half dozen or more quarters. I saw Mr. Frank in his office in the day time. Mr. Frank had coca-cola,

lemon and lime and beer in the office. I never saw the ladies in his office doing any writing.

RECALLED FOR CROSS EXAMINATION. Andrew Dalton is my brother-in-law. John Dalton is my first cousin. I am the Dalton that went to the chain gang for stealing in Walton County in 1894. We all pleaded guilty. The others paid out. I don't know how long I served. I stole a shop hammer. That was case No. 1. There were three cases and the sentences were concurrent. One of the other Daltons stole a plow and I don't know what the other one stole. I was with them. In 1899 at the February Term of Walton Superior Court I was indicted for helping steal a bale of cotton. In Gwinnett County I was prosecuted for stealing corn, but I came clear.

RE-DIRECT EXAMINATION. It has been 18 or 20 years since I have been in trouble. I was drunk with the two Dalton boys when we got into that hammer and plow stock scrape.

CROSS EXAMINATION. I don't know whether I was indicted in 1906 in Walton County for selling liquor. I know Dan Hillman and I know Bob Harris, I don't know whether I was indicted for selling liquor to them or not.

RE-DIRECT EXAMINATION. Miss Daisy Hopkins knows Mr. Frank and I have seen her talking to him and she told me about it."

I have never signed any paper or statement which I knew to be a retraction of the above evidence or of any part of that evidence, and it is true as given. About two months ago, Mr. C. W. Burke of Atlanta came to see me in Fort Myers, Fla, where I was then working. I have been working for Mr. Heifner, a contractor, for about three years and Mr. Heifner had sent me to Fort Myers, Fla. To superintend his boat business at that place. Mr. Burke told me he wanted to talk with me about the Frank case. He came to the River Side Hotel, where I was staying, but he missed seeing me, because I didn't want to see him and I stayed out late. He sent a messenger to me with a message as if it was a night telegram. I thought it best to keep Burke from worrying me so I went to see him at the Bradford Hotel. He asked me about how Mr. Dorsey and Starnes and Campbell questioned me before the trial and whether they didn't try to make me say things that were not so, and I told him "no" and that they had acted in a perfectly proper way in their questions to me. Burke then asked me to sign a paper to go before the pardon board then in session in Atlanta. He wanted me to sign the paper to get the pardon board to keep Frank from

hanging. He offered to give me \$100. If I would sign the paper. This paper was in handwriting. I didn't sign the paper. The next day he came out to Frogtown, near Fort Myers, where I was working. He had a typewritten paper which he wanted me to sign, because he was leaving for Atlanta right away. He said it was the same as the paper he had showed me the night before. He read a part of it to me. The part he read didn't say anything about taking back evidence or about my having said anything that wasn't true at the trial. I finally signed the paper which he had. He told me to come up to his hotel that night and he would give me the money. I went to the hotel that night, but he had gone. I asked if he had left anything for me and was told he had not. Burke had told me also that he would give me a pass from Jacksonville to Atlanta to use anytime soon. Burke did not leave either the \$100. Or the pass. The only other time I have been offered any money in connection with the Frank case was in Dublin, Ga. just a short time after the trial last year. I went to Dublin with Mr. Heifner to do some work on a bank which he was working on there. When I got off the train at Dublin there were two Jews standing there talking. I heard one of them say to the other: "There's that fellow Dalton that swore in the Frank case". They came over and talked to me. They said they knew me by my picture. That night I met both of them on the corner and asked me why I didn't leave the state and get out of the Frank case because I could make some money out of it. I told them I had not done anything to leave for. One of them said "Dalton you can make \$400. If you will leave the State." I still told them I didn't want to go away. I saw them two or three times after that. The same big fat one said "We will give you \$400 if you will leave the State for we are going to get Frank a new trial." I refused each time. I told Mr. Heifner what they had said and he said to me: "You haven't done anything to leave for. You have told just the truth and you are not going to leave." I never found out who they were. I received a letter from Mr. Dorsey saying that he wanted me to come to Atlanta and that he would pay my railroad fare if I would come on the next train. In addition to my testimony in the court at the Frank trial, I have on my several visits to Leo M. Frank's office seen Frank with girls in his office, and I have seen Frank play with them, hug them and kiss and pinch them. I do not know who any of the girls were. I saw Frank on two or three occasions take a girl and go to the back of the room where the dressing

room is. On one occasion Frank had six bottles of beer and I carried three more bottles to his office. I was with Daisy Hopkins when she telephoned first to Frank's office and told him that she wanted to borrow some money. She said "I have got a friend with me now" and she was told to come right over and bring her friend with her. We went right away. There I saw her when she borrowed the \$3.00 from Frank. In regard to the cot in the basement, I know that Leo M. Frank knew about it. He was talking to the girls and I said something about having to pay room rent and he spoke up and said it wasn't necessary to pay room rent because they had a cot in the basement. I used this cot with Daisy Hopkins half a dozen times.

J. N. STARNES, Sworn for the State. I have read the affidavit alleged to have been made by C. B. Dalton and introduced in the extraordinary motion for new trial in the case of the State vs. Frank. Insofar as the affidavit refers to me, in stating that I had coerced or otherwise unduly influenced said Dalton in the giving of his evidence, it is absolutely false. I have never in any way sought to threaten or influence him in any way, and to the best of my knowledge and belief the evidence of said Dalton at the trial of Leo M. Frank was given freely and voluntarily and without coercion and influence of anyone else at all.

PAT CAMPBELL, Sworn for the State. I have read the affidavit alleged to have been made by C. B. Dalton and introduced in the extraordinary motion for new trial. Insofar as that affidavit refers to me, in stating that I had coerced or otherwise unduly influenced said Dalton in the giving of his evidence at the trial, it is absolutely false. I have never in any way sought to threaten or influence him in any way, and to the best of my knowledge and belief the evidence of said Dalton at the trial of Leo M. Frank was given freely and voluntarily and without coercion or influence of anyone else at all.